IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6081 OF 2006

Mrs.Yasmin Banu Yunus
Abdul Gaffar & Ors. .. Petitioners.
Vs.
Mrs.Helen Eugene D'cruz & Ors. .. Respondents.

Ms.Shaswati S.Sarkar for the petitioners.
Mr.Vaibhav Mehta i/b Divyakant Mehta & Associates for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 13TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners and respondent no.1.

2. I am informed that the stay that was granted by the order dated 17.7.2006 impugned in the present writ petition operates till today. Ms.Sarkar, learned counsel for the petitioners submits that the appeal in which the stay has been granted has yet not been admitted by the Small Causes Court. Keeping that in view and considering overall facts and circumstances of the case I am satisfied that the following order shall meet the ends of justice:

(a) The Small Causes Court shall hear the appeal

bearing Stamp No.1804/06 in Exh.6/06 in R.A.E.Suit No.639/1037 of 2005 for admission within four weeks from today and if the appeal is admitted, the same may also be decided within four weeks therefrom.

(b) Pendency of the appeal arising from the temporary injunction application (Exhibit-6/2006) shall not operate as stay to further proceedings in the trial Court. The trial Court shall proceed with the hearing of the suit without awaiting decision in the appeal.

(c) While passing this order I shall not be understood to have expressed any opinion on merits of the case.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)